

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES D. SMITH,

Plaintiff,

v.

ATTORNEY GENERAL OF CALIFORNIA
KAMALA D. HARRIS, et al.,

Defendants.

No. C 12-02463 JSW

**ORDER REVOKING
APPLICATION TO PROCEED *IN*
FORMA PAUPERIS AND
INSTRUCTIONS TO CLERK**

On May 6, 2013, the United States Court of Appeals for the Ninth Circuit issued a Referral Notice to this Court to determine whether Plaintiff's *in forma pauperis* status should continue on his appeal. The Court concludes that the appeal is frivolous, and it REVOKES Plaintiff's *in forma pauperis* status. *See* 28 U.S.C. § 1915(a)(3); *see also* *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). The Clerk shall provide a copy of this Order to the Court of Appeals.

IT IS SO ORDERED.

Dated: May 8, 2013


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JAMES D SMITH,

Plaintiff,

v.

OFFICE OF THE ATTORNEY
GENERAL et al,

Defendant.

Case Number: CV12-02463 JSW


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 8, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James D. Smith
705 N. State Street #547
Ukiah, CA 95482

Dated: May 8, 2013


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk